

Clifton Park Planning Board Meeting Minutes January 11, 2005

Those present at the January 11, 2005 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, S. Hughes, T. Karam, A. Kramer, J. Larkin, J. Russell

Those absent were: S. Pace

Those also present were: J. Kemper, Director of Planning; J. Grasso, Clough, Harbour and Associates; M. O'Brien, Environmental Specialist, P. Pelagalli; Counsel

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. He welcomed Mr. Scott Hughes who was appointed to the Board by Town Board resolution on January 3, 2005 to fill the expired term of John Marzola. All in attendance rose for recitation of the Pledge of Allegiance.

Mr. Bulger moved, seconded by Mr. Larkin, to appoint Tony Karam as Vice-Chairman, to establish the 2005 Planning Board schedule as published, with meetings generally held on the second and fourth Tuesdays of each month, to appoint Paul Pelagalli, Counsel, and Janis Dean, Secretary, for the 2005 calendar year. The motion was unanimously carried.

Public Hearings:

[2004-063] Christ Community Reformed Church – Proposed (2) lot subdivision, 1010 Route 146 – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:16p.m. The Secretary read the public notice as published in the Daily Gazette on January 4, 2005.

Mr. VanGuilder explained that this application remains generally as presented at the December 14, 2004 Planning Board meeting. The proposal calls for the separation of the single-family residential property formerly used as a parsonage from the church property. Mr. VanGuilder explained that although the existing residence is located in a PIR zone that does not permit such dwellings, Mr. Clemens, Director of Building and Development, has determined that because the home has existed for many years within the Calico Colony subdivision and has characteristics of adjoining homes, it may be considered part of the R-1 zone. Mr. VanGuilder said that the sewer lateral location has been added to the plan.

Mr. Kemper reported that this project last appeared before the Board on December 14, 2004 at which time members found the plan acceptable. Ms. Reed, Chief of the Bureau of Fire Prevention, has required that postal addresses be added to the plans. The Saratoga County Planning Board approved this application on December 16, 2004 without

comment. A sign-off must be provided by the Clifton Park Water Authority.

Mr. Grasso stated that Clough, Harbour, and Associates found this project plan acceptable. He did comment that the existing zoning has been changed on the plan to correctly reflect Public/Institutional/Recreational. Although single family residence is not an allowed use in the zone, he noted that since the Building Inspector has indicated that he would allow the use, it does not appear a formal variance approval is required.

Mr. O'Brien, Environmental Specialist, reported that the ECC requested that the following standard statements should be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).

There being no public comment regarding this application, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:22p.m. The motion was unanimously carried.

Mr. Karam moved, seconded by Mr. Russell, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Karam offered Resolution #1, seconded by Mr. Larkin, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Kramer, Larkin, Karam, Russell, Hughes, Bulger. Noes: None.

[2004-054] Jerome, Andrew – Proposed (2) lot subdivision and land transfer, Crescent Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:25p.m. The Secretary read the public notice as published in the Daily Gazette on January 4, 2005.

Mr. Gil VanGuilder, consultant for the applicant, explained that this application remains generally as presented at the October 26, 2004 Planning Board meeting. Mr. Schwarzer intends to create a 3.37 acre building lot and to transfer 2.13 acres of land to adjoining property owner Jerome. The required variances were granted by the Zoning Board of Appeals on December 7, 2004. Percolation rates have been determined and soil boring

information has been submitted to Clough, Harbour, and Associates for their review. Access to the new lot will be provided by an extension of an existing driveway that serves the Schwarzer property.

Mr. Kemper explained that this project last appeared before the Board on October 26, 2004 at which time the Board found the project acceptable. A shared access driveway must be illustrated on the plans and descriptions for the ingress/egress easement must be provided for review. Mr. Kemper is in receipt of a memo from Don Clemens dated January 11, 2005 that states that the appropriate variances were granted by the ZBA for this application.

Mr. Grasso listed the comments prepared by Clough, Harbour, and Associates. Section 208-11.b of the Town Code specifies that all lots shall have a minimum lot width of 200 feet at the minimum building setback line. It does not appear this is provided. Mr. Grasso asked that the variance be referenced on the subdivision plan. The limits of the existing lands of Schwarzer and the remaining lands of Schwarzer should be identified. The plan should indicate that only Lot #2 is a new principal building lot. The Town's standard note regarding 500' or longer driveways or a note stating that the driveway for Lot #2 will not be greater than 500' should be added to the plan. The Town's standard notes regarding keyhole lots and common rights of ingress/egress should be added to the plan.

Mr. O'Brien, Environmental Specialist, stated that the ECC requested that the following standard statements be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the office of the Albany International Airport.

There being no public comment regarding this application, Mr. Bulger moved, seconded by Mr. Karam, to close the public hearing at 7:29p.m. The motion was unanimously carried.

In response to Mr. Karam's question regarding the possibility of further subdivision of the properties, Mr. Kemper responded that additional lot width variances would be required. Mr. VanGuilder stated that no additional subdivision was planned at this time. Mr. Larkin questioned the ownership of property that lies south of the Niagara Mohawk Power lines: the identified property is not owned by either applicant involved in this application.

Mr. Russell moved, seconded by Mr. Bulger, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Karam offered Resolution #2, seconded by Mr. Kramer, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Kramer, Larkin, Karam, Russell, Hughes, Bulger. Noes: None.

[2004-061] Daigle, Howard – Proposed (5) lot subdivision, Vischer Ferry Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:32p.m. The Secretary read the public notice as published in the Daily Gazette on January 3, 2005.

Mr. Matt Brobston, consultant for the applicant, presented this project plan that remains generally as presented at the November 23, 2004 meeting. He explained that because of the presence of designated wetlands on the site, a substantial portion of the property has been designated as a Land Preservation area. Two driveways along Vischer Ferry Road are proposed and one will be installed on Ray Road. The new single-family residences will be served by an extension of the municipal water service from Coburg Village and individual septic systems. Mr. Brobston explained that negotiations are underway with an adjoining property owner to obtain an easement that would allow for extension of the existing water line.

Mr. Kemper stated that this project last appeared before the Board on November 23, 2004. The Board did not express any serious concerns with the application at that time. A Saratoga County Department of Public Works work permit must be provided. The Saratoga County Planning Board approved the project on November 18, 2004. The following comments were received from Don Clemens on January 11, 2005: "Lot #5 does not appear to meet the minimum 100,000 SF required in the R-3 zone. The area of Lot #5 is indicated as 2.13 acres on one page and 2.0004 on another. The perc test for Lot #1 does not appear to be adequate for a standard system and the water table for the test pit." Sheryl Reed requires that appropriate postal addresses be added to the plan. Mr. Kemper reported receipt of a comment letter from Don Austin that was addressed to Ivan Zdrahal Associates on January 11, 2005. The main concern in the letter is that the project is located outside of the service area of the Clifton Park Water Authority; therefore, the district will have to be expanded. Such an action takes an approval from NYSDEC.

Mr. Grasso explained that Clough, Harbour, and Associates' review of this project resulted in the following comments. The sight distance at the proposed driveway locations should be shown on the plan. The plan should indicate restoration of the areas to be disturbed by the off-site utility improvements. The project site lies outside but proximate to the Vischer Ferry Road Corridor GEIS study area, within which mitigation fees are assessed to new development. Although the proposed development will capitalize on water system improvements that were installed to support development in

the Vischer Ferry Road Corridor, and the development will utilize a portion of the reserve capacity of the improvements, due to the extent of new water infrastructure that is being installed which will benefit future users of the system, the engineering firm does not believe Vischer Ferry Road Corridor GEIS water mitigation fees should be assessed to this project. Due to the converging lot lines of Lot #5 and speculative placement of the house, it does not appear if the lot will satisfy the 200 foot minimum lot width at the front yard setback. The proposed easements to the Clifton Park Water Authority should be filed prior to the stamping of the subdivision plans.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered comments regarding this application. The applicant should add the following standard statement to the plot plan:

- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the office of the Albany International Airport.

The Commission also recommended that the applicant should remove the reference to the "Hidden Crest" subdivision in the Sportsman Club statement referring to the noise associated with discharge of firearms.

Board members discussed the options available at this time. Mr. Grasso explained that since the project lies beyond the bounds of the Clifton Park Water Authority, extension of the district must be approved by NYSDEC. Such review often requires the granting of preliminary approval by the reviewing agency. Mr. Bulger noted that since several issues such as verification of adequate sight distances at driveway locations, comprehensive perc test information, and approval of the water service extension remained to be addressed, approval would not be advisable at this time.

Mr. Bulger moved, seconded by Mr. Karam, to close the public hearing at 7:50p.m. The motion was unanimously carried.

[2004-062] Hornfeck, John – Proposed (4) lot subdivision, Blue Barns Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:52p.m. The Secretary read the public notice as published in the Daily Gazette on January 4, 2005.

Mr. Dave Flanders, consultant for the applicant, presented this application that remains generally as presented at the December 14, 2004 meeting. He explained that all of the proposed lots now meet the 100,000 SF bulk requirement, that the lots will be accessed by a common drive, and that individual septic systems will be provided.

Mr. Kemper reported that this project last appeared before the Board on December 14, 2004 at which time no major issues of concern were identified. He explained that he had received a letter from Jill Shultz and Martin Stoner dated January 7, 2005 stating their concerns with the project. Copies of that letter were made available to Board members.

He asked that descriptions for the ingress/egress easement be submitted for review and that the site statistics table be amended to include the proper space and bulk requirements. The Saratoga County Planning Board approved the project on December 16, 2004 with numerous comments including:

- Submission of a Saratoga County DPW work permit
- Submission of test pit data
- Submission of a septic system design prepared by a licensed engineer
- Submission of site drainage information
- Minimum lot size

Mr. Kemper required that a sign-off be provided from the Rexford Water District. Don Clemens, Director of Building and Development noted that the minimum lot size of 100,000 SF does not appear to be met for one of the lots. He also observed that test pit #4 was only 12" deep and he asked the applicant to explain the reason for the shallow depth. He also asked that the ground water depth be determined. Sheryl Reed asked that postal verification information be provided.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the plan for this project and offered the following comments. ITE's "Guidelines for Driveway Design and Location" indicates that the minimum intersection sight distance for vehicles turning left onto a road should be 530 feet for a 40 mph 85th percentile speed, and 740 feet for a 50 mph 85th percentile speed. Only 496 feet appears available. In addition, if the 85th percentile speed is 50 mph, the minimum sight distance looking right is 700 feet. These requirements have also not been increased by 10% to account for a rural road, which may be applicable. As such, additional analysis or identification of mitigation measures appears warranted. The minimum lot size in the R-3 zoning district for lots without central sewer is 100,000 SF: this should be reflected in the site statistics table. Due to the potential for clogging, driveway culverts less than 18" diameter on County Roads are not recommended. End sections and rip-rap will be required for the proposed driveway culvert and the culvert should be extended past the water services. This should be covered under the review by the Saratoga County DPW. The soil investigations indicate that only 24" of usable soil exists in some areas, which is the minimum necessary for use of conventional septic system designs. Although the results indicate that development of acceptable on-site wastewater disposal systems may be permissible, the applicant should be aware of the restrictions associated with the soil constraints and risks associated with the limited investigations conducted.

Mr. O'Brien, Environmental Specialist, stated that the ECC recommends that the Town Engineer review the plan to determine if more than one (1) acre of land is to be disturbed, thereby requiring the preparation and submittal of a Stormwater Pollution Prevention Plan.

Mr. Flanders reported that additional perc tests have been performed in various areas of the site and that a stormwater management report prepared by Lansing Engineering has been submitted to the Planning Department. He also believes that because a new 12" line is located along Blue Barns Road, water service to the proposed lots should be sufficient. He described two sets of criteria that were often used to determine the adequacy of sight

distances. Based on the technique he employs to determine such distances, he believes that sight distances may be in excess of what is required. The current proposal, however, does include the installation of two intersection signs to warn travelers of the driveway location. Mr. Grasso stated that he believes the proposed signage is inappropriate. He agreed to review the sight distance information provided with the submission.

Ms. Roxanne Yeager, 24 Riverwind Drive, commented on the appropriateness of the Rockwell print that hangs in the meeting room that shows a concerned citizen speaking at a public gathering. She stated that homeowners in the Riverwind subdivision experience severe water pressure problems and that she is concerned that the construction of additional homes in the area will make the situation even worse. She also commented that the quality of life she and her family now enjoy will be diminished because of the reduction of open space in the Riverwind area. Pointing to the two new residences currently under construction on DuBois Lane and this application for four additional residences along Blue Barns Road, she expressed dismay that the rural character that she treasured is being gradually eroded. She believes that approval of this application would be contrary to the Town's commitment to preserving open space. Ms. Yeager complained that Mr. Hornfeck, who is not a town resident, is seriously impacting the lives of those who do reside within town boundaries.

Mr. Bulger responded to Ms. Yeager's comment, stating that the ideas she expressed were heard frequently by the Board. He explained that the Town Board is attempting to address the issues of concern to her. He noted that a GEIS (Generic Environmental Impact Statement) is currently being prepared to determine the impact of development to the western portion of the Town. Proposed recommendations in that study include a reduction in allowable building density. He also explained that the applicant's project proposal is permitted under the terms of the building moratorium instituted by the Town Board in October, 2003 and that legally the Planning Board can not deny the application. Speaking to the open space issue, Mr. Bulger stated that this particular parcel was not identified as a property to be preserved. Mr. Pelagalli provided additional comment on the legality of the proposed subdivision and explained that the Board relies on professional expertise to determine whether or not the proposed development will significantly impact existing neighborhoods. Mr. Bulger noted that the Town is working to improve the Rexford Water system. Mr. Karam suggested that the Ms. Yeager contact the water system regarding the water pressure problems she experiences.

Mr. Gary Yeager, 24 Riverwind Drive, "seconded" the comments previously offered by his wife. He added that the water pressure problems have increased since construction on two new residences fronting on DuBois Lane has begun. Mr. Yeager spoke of the wildlife habitat that would be lost should homes be built on the Hornfeck property, explaining that turkey and deer migrate through the properties. He suggested that existing residents of the area may be willing to purchase the property to ensure its preservation. An additional concern focused upon the increased traffic that would be generated along Blue Barns Road. He reminded the Board that a fatal accident had occurred at the intersection of Blue Barns and Ashdown Roads: additional development would increase the potential for serious accidents. He encouraged the Board to maintain the rural character of the

Rexford area.

Mr. Alan Stevenson, 49 Blue Barns Road, agreed that water pressure is a problem within the Rexford Water District system, though he was not opposed to the proposed subdivision. Mr. Larkin pointed out that if the water supply was inadequate, the proposed lots would be large enough to support individual wells and septic systems.

Ms. Lisa Tamburello, 8 Riverwind Drive, agreed that water pressure is a problem in the area. She asked for clarification of the soil issue that was mentioned by Mr. Grasso. Mr. Flanders provided information regarding soils on the site and test pit results. Though most of the site would be allow for conventional septic design, one of the lots may require a partial fill system. He explained that such a system, if required, would be designed in accordance with all building codes. Mr. Grasso asked that additional soil information and an engineered septic design be provided for review.

Mr. Yeager asked if the Board requested comment from the Open Space Committee and if a Board decision could be delayed until the GEIS is adopted. Mr. Kemper explained that this is not an area identified for open space acquisition. Mr. Grasso told Mr. Yeager that the Town Board is still accepting comment on the proposed GEIS. Mr. Bulger noted that the hearing on the GEIS will be held by the Town Board on January 18, 2005.

Mr. Bulger agreed to consider requiring a vegetated buffer to existing properties in response to Mr. Yeager's request that such an undisturbed area be provided.

There being no additional public comment regarding this application, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 8:32p.m. The motion was unanimously carried.

Mr. Bulger identified the issues to be addressed as the verification of adequate sight distance at the proposed access to Blue Barns Road, a sign-off from the Rexford Water system, an engineering report that determines that the site will accept installation of the proposed septic system, and the establishment of a non-disturbance buffer or clearing limit lines.

Old Business:

[2001-019] Clifton Storage Associates (formerly the Lands of Baker) – Proposed 27,800 SF office/warehouse, Route 9 – Preliminary site plan review and possible determination.

Mr. Kevin Dailey, legal representative for the applicant, provided a brief history of this project, noting that a conceptual plan was presented for Board consideration in 1998. Explaining that the amount of designated wetlands located on the property made development difficult, he described the variances approved by the Zoning Board of Appeals and provided copies of the NYSDEC Permit and the jurisdictional determination letter from the Army Corps of Engineers. The NYSDEC letter extends the original approval for work to October 1, 2007, while the ACOE letter states that the determination

by that agency is valid until November, 2005.

Mr. Tom Andress, consultant for the applicant, explained that the project proposal calls for the construction of a 7,980 SF single-story office building and a 20,040 SF two-story warehouse facility on 13.9 acres on the west side of Route 9 north of the Ushers Road – Route 9 intersection. 43 parking spaces are proposed. Mr. Andress described the landscaping and buffering within the upland areas and along Route 9 as “substantial” and stated that the applicant will adhere to all applicable stormwater management regulations.

Mr. Dailey commented on the Wood Road mitigation fees, stating that the Town was collecting money for improvements already made to the Northway 10 Exit and Route 9. Mr. Kemper noted that the realignment of Wood Road has yet to be completed and that traffic mitigation fees have been reduced.

Mr. Kemper reported that this project was presented to the Board on October 15, 2003 at which time the major concern was the size of the proposed buildings. Members recommended that the applicant reduce the footprints of the buildings and “expand them upwards rather than out” thus providing a greater distance between the buildings and the wetlands. To date, the project has been considered by the Board on four separate occasions: May, 2001, May, 2002, October, 2003, and January, 2005. Mr. Kemper explained that the project was disapproved by the county on May 21, 2001 and November 20, 2003. New plans have been forwarded to the county again for consideration by the Saratoga County Planning Board at its January 20, 2005 meeting. He advised that should the Board consider site plan approval at this evening’s meeting, a super majority will be required because of the county’s disapproval. He asked that the specific variance number be included on the plans. Although the applicant agreed to place erosion control measures on the site immediately following the October 15, 2003 Planning Board meeting, such action has not yet been taken. A copy of the NYSDOT work permit must be provided. A cost estimate for the well to be placed on the lands of Ruggles must be submitted to the Planning Department. This well must be installed prior to the construction of the buildings. A majority of the site remains underwater. The applicant was to provide a set of plans showing the limits of the beaver activity: no such plans have been submitted. Sheryl Reed’s memo of January 11, 2005 discussed concerns with a single access point for the proposed commercial project because municipal water is not available: emergency service personnel would have to set up a tanker operation to supply water in the event of a fire, effectively closing off the only access point. She noted that since she was not provided with information regarding the proposed occupancy and hazard classification as well as type of construction, she was unable to determine if a sprinkler system would be required per the New York State Building Code. She also asked that postal verification information be provided.

Mr. Grasso presented the comments prepared by Clough, Harbour, and Associates after a review of the project plans. The plans appear consistent with those previously reviewed in 2002, and as such, many of the firm’s previous technical review comments had been addressed. A stormwater management report and pollution prevention plan should be submitted for review. It should be verified that the stormwater management facilities are

design in accordance with the NYS DEC stormwater design manual. Rip rapped emergency spillways should be provided for each of the proposed retention areas. A detail of the proposed gabion wall should be provided. The detail should incorporate a filter fabric to prevent the migration of fine silt through the wall. This is especially a concern in the areas adjacent to stormwater management areas. The storm drainage is designed to sheet flow from paved areas directly into the stormwater retention areas. It is recommended that an erosion control mat be placed along the pavement side of each retention area to prevent erosion from the runoff. The proposed wetland impacts and limits of clearing and grading should be shown on the plan. A portion of the proposed gabion wall appears to be located within the limits of the existing stream. The potential impacts to the stream from the proposed wall and the potential for erosion around the wall should be investigated.

Due to the limited information found in the former project file for this site, it is unclear whether the following comments from Clough, Harbour, and Associates' letter of May 7, 2002 regarding the Wood Road GEIS have been addressed:

- Per Finding No. 34, traffic mitigation fees are required to address cumulative impacts of the proposed development. The fee is \$1,465.47 per trip generated during the highest peak hour, as defined by appropriate facility codes in the ITE Trip Generation Manual, 5th Edition. The applicant's consultant should submit an analysis of the projected trip generation so that the respective mitigation fee can be assessed.
- A mitigation fee is due for the original review of the DGEIS in the amount of \$74.28 per acre. Based on a 13.9-acre site, the respective mitigation fee is \$1,032.
- Per Finding No. 47, development affecting wetlands shall be located farther than the required 100-foot buffer from the wetland boundaries. This requirement is not met, and as such, the development as proposed is not consistent with the findings of the GEIS. If the development continues to be proposed as currently planned, a supplemental EIS covering wetland impacts may be warranted.
- Per Finding No. 52, stormwater management for each project shall be in accordance with the NYSDEC Guidelines for Stormwater Management and Design Criteria, and per Finding No. 53, the stormwater management plan shall be designed to maintain infiltration at pre-development conditions based on a 25-year storm event.
- Per Finding No. 67, a visual buffer of approximately 250 feet is recommended to avoid and minimize significant visual impacts to travelers on NYS Route 9. This is not provided, and as such, a supplemental EIS covering visual impacts may be warranted.
- Per Finding No. 73, a Phase I Environmental Audit shall be conducted and submitted at the initiation of site plan review. This should be included in the next plan submission.
- Per Finding No. 78, the applicant shall contact NYSOPRHP regarding historic sites and archeologically sensitive resources near the project area. Copies of the correspondence should be sent to the Town and to our office for our files.

Mr. O'Brien, Environmental Specialist, reported that the ECC reiterates its previous comments regarding this property. The applicant should reduce the intensity of the project because of the sensitive environment throughout the site. The area of impervious surfaces should be designed to reduce total run-off from the site. All run-off will need to be contained via oil/water separators and sediment traps prior to discharge to surrounding

water bodies (wetlands, streams). The site will require careful review by the Town Engineer to determine if installation of an on-site sewage system is possible. The high water table may make it difficult to have a functional septic system: a public tie in may be required. The applicant should submit a Stormwater Management Plan for review by the Town Engineer and the ECC.

Mr. Larkin focused on the comments issued by the ECC and was assured by Mr. Address that the project was thoroughly scrutinized by the Zoning Board of Appeals prior to approval of the required variances. He explained that the septic systems would be installed in the “upland areas.” Mr. Address also stated that the parking lot would be paved. Board members identified a number of concerns including the visibility of the buildings from Route 9, site drainage, the proximity of the buildings to the wetlands, and the treatment of stormwater run-off. Mr. Address explained that stormwater will be directed to “depressions” that will be constructed in compliance with stormwater management guidelines. Mr. Kemper explained that the use will determine the building design. Mr. Grasso noted that the availability of parking will also dictate the possible uses for the buildings. Mr. Kemper asked that Mr. Address meet with Sheryl Reed, Chief of the Bureau of Fire Prevention, to determine what fire safety requirements will be applicable.

Mr. Bulger expressed his thanks to the applicant for attempting to adequately address Board concerns, but admonished the developer to comply with ECC recommendations. Explaining that although it would be possible to vote on the application at this meeting, Mr. Bulger believed it advisable to wait for Saratoga County Planning Board approval before rendering a decision.

[2004-056] Hockford, LeHuong – Proposed (4) lot subdivision, NYS Route 146A - Revised conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented a revised conceptual subdivision plan for the Board’s consideration. He explained that the original proposal called for the subdivision of this 14.3 acre parcel into (3) lots. The revised plan now calls for an additional lot of 10.86 acres with frontage provided on the proposed “future” roadway connection from the recently-developed Sterling Heights subdivision. Connection to the Saratoga County Sewer System line that is located on Marlboro Drive allows for a reduction in the proposed lot sizes. The lots are now shown to be .97 acres, 1.15 acres, 1.20 acres, and 10.86 acres, respectively.

Mr. Kemper listed his comments regarding this application, stating that the project last appeared before the Board on October 26, 2004. The major issue at that time was whether or not an additional lot in the rear could be subdivided. The proposed plan illustrates Lot #3 with frontage in the Sterling Heights subdivision. Descriptions for the ingress/egress easements must be submitted for review. A wetland delineation must be performed on the remaining lands of Lot #3 if the Sterling Heights stub street is to be used for access. A NYSDOT curb cut permit will be required. The proposal should provide the Town with the additional right-of-way for the trail improvements. Postal addresses must be added to

the plans. Clearing limit lines must be shown on the plans. The Saratoga County Planning Board approved the project on October 21, 2004. Sign-offs will be required by Clifton Park Water Authority and the Saratoga County Sewer District.

Mr. Grasso reported that Clough, Harbour, and Associates issued the following comments concerning this application. The revised plan proposes a low pressure force main for sanitary sewer service and water service connections from the existing main along NYS Route 146. As depicted on the plan, both of these utility improvements would require public utility extensions well into the lots with little potential to serve future development. It is recommended that individual services be provided that are privately owned. A common force main can be extended across NYS Route 146 to avoid multiple services within the right-of-way. Design and construction details associated with any public improvements must be provided. The plan lacks the conveyance of a future right-of-way across Lot #3 previously discussed with the Planning Board. The note regarding the ingress/egress easement should include Lot #3.

Mr. O'Brien, Environmental Specialist, stated that the ECC reiterated comments issued previously regarding this project plan. It was recommended that the applicant explore with the Town what role this parcel might play in the Town Open Space Plan and trail network. This property exists in close proximity to a Fire Station and may be subject to periodic siren noise and other related activities; this should be noted on the plot plan. The following standard statements should be added to the plot plan:

- Due to the potential for federal wetlands on this parcel, the applicant will determine the location and extent of disturbance of Federal wetlands before a building permit is issued.
 - No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
 - The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
 - All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The ECC would also like the applicant to be aware that if the project disturbs an acre or greater of land, the submission of a Stormwater Pollution Prevention Plan will be required.

Board members were concerned with the status of the road connection that may eventually link the Sterling Heights development with properties to the north of the Hockford parcel. Both Mr. Karam and Mr. Larkin expressed concerns with placing a residence on a parcel with frontage on the "proposed" roadway. Mr. Larkin noted that the common force main extension that would be required to serve the lots would be the responsibility of the applicant. Mr. Russell believed that additional research regarding the proposed road connection from Sterling Heights to the parcel north of the Hockford parcel would be required before the Board could render a decision. Ms. Hockford spoke from the floor explaining that she would incur significant expense to provide sewer

connections to the proposed lots and that she had agreed to convey a strip of land along Route 146A to provide for future road improvements. Mr. Bulger noted that development of the proposed roadway was a “key” element in the Board’s decision. He also noted that wetland delineation would be required to determine the viability of the proposed lay-out.

[2004-029] Country Club Acres – Proposed (18) lot subdivision, Grooms Road and Vischer Ferry Road – Final review and possible determination.

Mr. Kevin Dailey, legal representative for the applicant and Mr. Tom Andress, consultant were both present at the meeting to present project details. Mr. Dailey provided a brief history of the project. Mr. Andress noted that the applicant will install a fence along the stormwater retention basin and will comply with all recommendations issued by Clough, Harbour, and Associates. He explained that the sidewalk issue has not yet been resolved. Mr. Dailey explained that he has spoken with one property owner residing along the west side of Vischer Ferry Road. This property owner was to speak with others about the installation of the multi-use property on easements existing along Vischer Ferry Road: this has not yet occurred.

Mr. Kemper explained that this project last appeared before the Board on November 23, 2004 at which time the Board issued a negative declaration under SEQRA and granted preliminary approval. The issues that remained to be addressed included the location of the trail and the final determination on the amount of stormwater to be handled from the Stewart’s Plaza. The applicant’s representative was to speak with the owners of land along Vischer Ferry Road to determine if the trail could be located in their front yards over the existing easement. This has apparently not yet occurred. Sign-offs will be required from Clifton Park Water Authority and the Saratoga County Sewer District. Descriptions for the land transfer must be provided for review. The sidewalk to be installed by Stewarts is not illustrated in the correct place on the map: this should be corrected. The required signage for the crosswalk on Vischer Ferry Road must be provided on the plans. Details for the split rail fence must be provided on the plans. The number of trees to be installed along the property line with the Stewarts Plaza must be depicted on the plans. Plantings should be provided in and around the stormwater management area. A note should be added to the plans indicating the work hours for the project. Sheryl Reed has requested that the postal verification be provided.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the stormwater management report and stormwater pollution prevention plan for this project and the revised subdivision plans. The following comments were prepared. The engineering firm has concerns regarding the methodology used to model the operation of the detention system. The model fails to recognize and evaluate the off-site drainage areas that the plan states are not to be detained. Although the calculation to determine the required post development discharge from the basin appears correct, the model needs to account for the entire volume of water that will be present during a storm event to accurately depict the operation of the basin and outlet control structure. It was agreed to at the last Planning Board meeting that this project and the proposed development of the Stewart’s parcel were to come to an agreement for the stormwater management of the commercial

development. The current stormwater model does not reflect the development of the commercial property. In order to verify existing soil conditions such as soil type, impermeable layers, high groundwater and percolation rates, test pits and percolation tests should be performed within the limits of the proposed stormwater management area to a depth of two feet below the bottom of the basin. Clough, Harbour, and Associates is concerned that the underlying soils and groundwater elevation will not allow for the construction of a wet pond. A landscaping plan detailing the proposed wetland plantings should be submitted. A minimum 10-foot wide gravel access drive should be constructed from the proposed roadway to the stormwater management areas to facilitate future maintenance by the Town.

Mr. Grasso explained that although his firm recommends a 10' wide multi-use path, 8' wide paths and 5' wide paths are sometimes used. The main concern is the adequacy of separation between the road and the pathway.

Mr. O'Brien, Environmental Specialist, offered the following ECC comments. The following standard statement should be added to the plot plan:

- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the office of the Albany International Airport.

The ECC recommends that the large area of L-C zone and stream corridor be designated as Land Preservation Area (LPA).

Mr. Andress stated that the applicant is willing to cooperate with the Town to find a reasonable location for the multi-use pathway installation. He was not certain that property owners along the west side of Vischer Ferry Road would find the installation of such an eight-foot wide pathway acceptable.

Mr. Bulger stated that residents along Vischer Ferry Road must be made aware of the multi-use pathway proposal. He encouraged the applicant to contact property owners since it was clear that the County Public Works department was definitely not in favor of installation of a pathway within the Vischer Ferry Road right-of-way. Mr. Dailey explained that the pathway/sidewalk issue existed "outside" the subdivision property, but he agreed to present ideas to the homeowners whose land would be involved. Mr. Dailey outlined the three options available for multi-use pathway/sidewalk installation: construction over the existing easement, construction along the east side of Vischer Ferry Road, or construction on the County right-of-way. Mr. Bulger noted that it was imperative that the SCDPW approve of the pathway location.

Mr. Larkin asked if his request for materials regarding the specifications and cost analysis for the sidewalks and street lighting that were part of the initial proposal had been satisfied. To date, this information has not been provided to the Planning Department. Mr. Larkin explained that he would like to calculate the amount of money that would have been spent for these amenities. In his opinion, the money saved by eliminating the sidewalk and lighting could be applied to sidewalk or multi-use pathway construction.

The Board will continue to work with the applicant to develop a reasonable and workable plan for the development of the multi-use pathway.

[2004-048] Stantec – Proposed 5,688 SF 99 Restaurant, Clifton Park Center Road – Revised conceptual site plan review.

Mr. Paul Boel, representative of Stantec, presented this application that has been revised in accordance with Planning Board comments. The restaurant has been re-oriented to face the Pier I retail building. 65 parking spaces have been provided on site and 15 spaces will be made available in the CCM parking lot. Plan revisions will require the applicant to request several variances from the Zoning Board of Appeals. The plan now shows 40% greenspace. Mr. Boel stated that a crosswalk from the mall parking lot is proposed, that landscaping around the dumpster will be provided, and that an underground stormwater management area is planned. He did state that a photo simulation of the project from NYS Route 146 as requested by Clough, Harbour, and Associates would present a financial hardship for the company and he requested that the Board forego such a requirement.

Mr. Kemper offered several comments regarding this application. The project last appeared before the Board on October 13, 2004 at which time the main concern was the orientation of the building. The applicant has since re-oriented the building to face the existing Pier I retail store. The applicant is proposing 40% greenspace: more greenspace should be provided. A planting plan should be submitted once the layout of the site is finalized. Sign-offs will be required from Clifton Park Water Authority and the Saratoga County Sewer District. The comments from the Sewer District remain to be addressed. The following comments were received from Don Clemens on January 11, 2005: "I agree with the assessment of required variances by the applicant. In addition, it is my opinion that this lot is a double frontage lot that will require a front yard setback for parking and building from the northern property line. The proposed freestanding sign must be a minimum of 15' from the property line. The proposed parking easement with the mall seems questionable since I believe the mall does not meet the minimum parking requirements now. This seems like a very intense use of an oddly configured lot." Mr. Kemper reported that the Saratoga County Planning Board approved the project on October 21, 2004 conditioned upon a stormwater management report being sent to the Town and the applicant getting the necessary sign-offs from the Saratoga County Sewer District.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the revised site plan and determined that the new layout is a significant improvement over the initial site design. The following comments that should be able to be addressed if the project continues through the variance approval and site plan design processes. It is recommended that a photo simulation be provided to illustrate what the building and site will look like as one travels east on Route 146. It is also recommended that in order to avoid the dead end parking row, an access aisle be extended from the dead end parking row to the rear service drive. The location of the proposed stormwater management area

should be shown on the plan. The “No Parking” signs for the handicap access aisles should be shown on the final plans. It appears that the handicap spaces may need to be shifted away from the doorway. A sidewalk should be provided from both ends of the proposed crosswalk across the adjacent landscaped islands to the parking lots. Extensive landscape buffering should be provided around the dumpster enclosure area.

Mr. O’Brien, Environmental Specialist, read the comments prepared by the ECC. The Commission reiterated the comments made during the previous review. The applicant is encouraged to provide appropriate vegetative screening to the rear of the structure from Route 146 that overlooks the proposed restaurant. All exterior lighting should be directional and limited. The applicant must indicate how stormwater will be handled. Mr. O’Brien noted that since this parcel was the site of a former business with a purported petroleum release, the applicant must insure that any residual contamination will be addressed. The applicant shall maintain a minimum of 45% greenspace in accordance with the Maxwell Road GEIS calculated for the entire parcel.

Board members found the plan acceptable, though they identified minor revisions that should be made to the plan. Mr. Karam requested that appropriate pavement striping and signage be shown in the area of the pedestrian crossing that would link the mall parking lot with the restaurant. Mr. Kramer asked that the building plan include “something decorative” such as false windows along the wall that faces Route 146. He asked that detailed building elevations be provided to the Board. Mr. Larkin asked that significant landscaping be added around the dumpster. Board members agreed that a recommendation encouraging approval of the proposed variances should be forwarded to the Zoning Board of Appeals. Screening of heating and cooling equipment located on the roof would be required.

New Business:

[2005-001] Mahoutchian, Reza – Proposed (2) lot subdivision, Woodin Road – Conceptual review.

Mr. Stephen Rutkey, consultant for the applicant, explained that this proposal calls for the subdivision of 1.63 acres of land on the west side of Woodin Road in an R-1 zone into lots of 32,940 SF and 37,887 SF, respectively. The single family residences would be connected to the Town of Halfmoon water system: individual septic systems will be installed. Access will be provided via separate driveways from Woodin Road.

Mr. Kemper told the Board that the Saratoga County Planning Board sent a letter stating that they determined that there would be no significant county-wide impact, though the use of private or shared driveways was recommended. Approval was also dependent upon the applicant receiving the necessary variances from the Zoning Board of Appeals. A memo from Don Clemens dated January 11, 2005 reads as follows: “This proposal does not have public sewer and water proposed; therefore, the minimum lot size is 40,000 SF. The applicant indicates that they propose hooking to water provided by the Town of Halfmoon. Since a previous applicant was denied a water hookup from Halfmoon,

clarification regarding the validity of this proposal should be provided. A shared access drive should be provided on the plans. A written sign-off will be required from the Town of Halfmoon for a water connection.” All jurisdictional wetlands should be placed on the plot plan.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the subdivision plan for this project and offered the following comments. The proposed project appears to be an “Unlisted” action pursuant to SEQR, and as such, coordinated review is optional. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Subdivision Approval; Town of Clifton Park Zoning board of Appeals – Area Variance; Town of Halfmoon – Water Connection Permit. The proposed lots do not meet the required 40,000 SF area for lots without central sewer in the R-1 Zoning District: an area variance appears required. Soil investigations including deep test pits and percolation tests should be conducted in the area of the proposed wastewater disposal systems to verify the adequacy of the soils to accept an on-site wastewater disposal system. The sight distance at the proposed driveway locations should be verified. It is recommended that the driveways be combined into one curb cut and an ingress/egress easement be provided. The limits of any wetlands, streams, wells or wastewater disposal systems within 100 feet of the site should be shown to verify acceptable separation distances. It does not appear that a minimum of 100 feet of separation will be provided between the stream and the tile field for lot A in accordance with NYSDOH requirements. An appropriate visual and noise buffer from the Northway should be provided. The existing right-of-way of Woodin Road is only fifty feet; whereas the Town’s standard is sixty feet. An additional five feet of right-of-way should be provided on the west side of Woodin Road as part of the subdivision. Future plan submittals should include a site location plan, bearings and distances of the proposed lot lines, and location of the proposed water connections.

Mr. O’Brien, Environmental Specialist, explained that the ECC provided the following comments regarding this application. Due to the potential for federal wetlands on the parcel, the applicant will determine the existence of federal wetlands and, if found, depict them on the plot plan. The applicant must tie into public sewer and water when available as defined by the New York State Uniform Code. In keeping with the Town Comprehensive Plan, the applicant is encouraged to retain existing vegetation and/or the use of landscaping and grading to provide visual and auditory buffering between the project and the Northway.

Mr. Rutkey explained that because of the architectural designs proposed for the lots and the required position of the residences on the lots, he would prefer that the homes were accessed by separate driveways. Mr. Larkin supported a combined drive. Mr. Bulger stated that he found separate driveways acceptable. He asked that the applicant investigate the feasibility of connecting to the municipal sewer system. Mr. Grasso will review the plan to determine the appropriate setbacks for the stream corridor that is located along the northern property line. Mr. Karam asked that the houses be located as close to Woodin Road as practicable.

[2005-002] Brooks Heritage, LLC – Proposed (11) lot subdivision, Woodin Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board's consideration. The plan calls for the subdivision of 11.89 acres of land in an R-1 zone on the west side of Woodin Road into 11 single-family residential lots. The lots, ranging in size from .53 acres to 2.3 acres, will be served by public water and sewer. Mr. VanGuilder explained that the applicant has an agreement with the private transportation corporation that serves Colonial Green to connect to the system. Though the proposal calls for connection to the Halfmoon Water system, all lots would meet the required lot size for the development of on-site wells. All lots meet R-1 zoning requirements. Access to Woodin Road will be limited to three common driveways. Federal wetlands have been delineated. Proposed disturbance of those wetlands was described as "well below levels that would require an Army Corps of Engineers permit." Mr. VanGuilder explained that an existing "beautification strip" provides a vegetated buffer along I-87. An additional 50' buffer will increase the area between the Northway and the nearest residences. A full Environmental Assessment Form has been submitted for the Board's review. A noise analysis will be provided. The consultant described the proposed impact to wetlands as "minimal".

Mr. Kemper offered a number of comments concerning this application. A sign-off will be required from the Town of Halfmoon for water service to the proposed subdivision. He reported receipt of the following comments from Jim DiPasquale at the Saratoga County Sewer District dated January 11, 2005: "The subdivision is proposed to connect to the Colonial Green Sewer District. Colonial Green is located in the Town of Halfmoon and is privately owned. Ownership responsibilities for the proposed sewer system need to be determined as the Sewer District's Rules and Regulations do not allow District ownership of a system discharging to a system not owned by SCSD." Mr. Kemper noted that a written sign-off will be required from the Town of Halfmoon for the water hookup. He believes that the plan is very intense considering the constraints on the site. A letter must be provided from NYSDEC stating that the wetlands are not NYSDEC jurisdictional. He observed that a number of lots show the construction of dwellings in close proximity to the wetlands. Don Clemens submitted the following comment on January 11, 2005: "If Halfmoon will allow a hookup to sewer or water, perhaps they can extend the line to incorporate the Mahoutchian property. If not, the required minimum lot size is 40,000 SF."

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the subdivision plan for this project and offered a number of comments. The proposed project is considered a realty subdivision per NYSDOH regulations, and as such, coordinated review is required. Involved agencies are expected to include the following: Clifton Park Planning Board – Subdivision Plan Approval; Saratoga County Sewer District – Sewer Connection Permit; NYSDEC – Wastewater Disposal System Approval, SPDES Permit; NYSDOH – Realty Subdivision Approval; Saratoga County Planning Board – Section 239 referral. There appears to be a discrepancy with the proposed method of water service. The application states there will be public water, while the plan and EAF propose the use of on-site wells.

It should be noted that if on-site wells are proposed the minimum lot size required by zoning is 30,000 SF: proposed Lot #4 does not meet this requirement. The establishment of a new curb cut directly across from Colonial Drive is not recommended. A minimum driveway offset of 150 feet should be provided. An appropriate visual and noise buffer from the Northway should be provided. A noise analysis may be required to demonstrate the impacts to the homes. The proposed keyhole lots do not meet the required 40' wide access to the public road. The sight distance at the proposed driveway locations should be verified. If Woodin Road is currently maintained by the Town of Halfmoon, a copy of the plans should be sent to Halfmoon for their concurrent review. The existing right-of-way width of Woodin Road is only fifty feet; whereas the Town's standard is sixty feet. An additional five feet of right-of-way should be provided on the west side of Woodin Road as part of the subdivision. The proposed wetland impacts should be quantified. In addition, the potential for incremental impacts to the wetlands after the initial construction of the homes should be addressed. The close proximity of the home sites to the wetlands will result in drainage problems in the basements of the homes due to high groundwater conditions and reliance on sump pumps. It is recommended that greater horizontal and vertical separation from the wetlands be provided. Because the subdivision will result in greater than five acres of disturbance, full compliance with the NYSDEC Phase 2 storm water quality and quantity regulations will be required. Adequately sized driveway culverts should be provided at each proposed driveway location. Ingress/egress easements should be provided over the common driveways. In addition, easements over the drainage courses and sanitary sewer should be provided. The Town's standard notes regarding keyhole lots and driveways over 500' in length should be added to the final plan.

Mr. O'Brien, Environmental Specialist, provided the following ECC comments. The Commission asked that following standard statements should be added to the plot plan:

- Federal jurisdictional wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in Federal wetlands.
- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

The ECC also recommended that the applicant submit a Stormwater Pollution Prevention Plan. In keeping with the Town Comprehensive Plan, the applicant is encouraged to retain existing vegetation and/or the use of landscaping and grading to provide visual and auditory buffering between the project and the Northway.

Mr. Bulger described the site as "problematic" because of the amount of wetland and its

close proximity to the Northway. He found the project much too dense and asked that the applicant reduce the number of buildable lots. He asked that a substantial vegetative buffer be provided to help screen the residences from the Northway. Mr. Larkin agreed that the project was too dense and asked that the subdivision be reduced by at least two lots. He also asked that the number of driveways be reduced from three to two. Mr. Kramer was concerned about the number of curb cuts being proposed along Woodin Road. Mr. Russell asked that a no-cut buffer be established along the Northway and that the applicant reinforce the existing treed area. Mr. Larkin was concerned that since the wetlands appeared to be disbursed throughout the site, that it would be difficult to delineate land preservation areas in a meaningful way. Mr. VanGuilder will supply an aerial photo that shows the areas to be protected. Mr. Hughes commented that he believes that the application “pushes the envelope” and asked that the applicant consider reducing the number of lots by one or two. Mr. Karam asked if the noise study to be conducted would be influenced by the lack of leaves and vegetation at this time of the year. Mr. VanGuilder explained that while vegetation may provide a visual buffer, its lack will not impact the results of a noise study.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Kramer, approval of the minutes of December 14, 2004 as amended. Ayes: Kramer, Larkin, Karam, Russell, Bulger. Noes: None. Abstained: Hughes

Discussion Items:

Cumberland Farms

Mr. Kemper explained that the owners of the Cumberland Farms store at the intersection of Vischer Ferry Road and NYS Route 146 have asked that they be permitted to add striping to the existing canopy and store front. While some Board members found this proposal acceptable, others did not. No consensus appeared to be achieved: no formal vote on the proposal was taken.

Mr. Bulger moved, seconded by Mr. Hughes, adjournment of the meeting at 11:20p.m. The motion was unanimously carried. The next meeting of the Board will be held as scheduled on January 25, 2005.

Respectfully submitted, Janis L. Dean, Secretary cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Joel Peller, Town Attorney, Lou Renzi, Town Attorney, Jim Trainor, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

Resolution #1

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on January 11, 2005, there were:

Present: S. Bulger, Chairman, S. Hughes, J. Larkin, T. Karam, A. Kramer, J. Russell

Absent: S. Pace

Mr. Karam offered Resolution #1, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Christ Community Church, Reformed Church in America, for approval of a subdivision entitled Subdivision of Lands of Christ Community Church, Reformed Church in America consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on January 11, 2005 and;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on January 11, 2005, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and that the final subdivision plat entitled Subdivision of Lands of Christ Community Church, Reformed Church in America consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #1 passed 1/11/05

Ayes: Kramer, Larkin, Karam, Hughes, Russell, Bulger

Noes: None

Steven J. Bulger, Chairman

Resolution #2

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on January 11, 2005, there were:

Present: S. Bulger, Chairman, S. Hughes, J. Larkin, T. Karam, A. Kramer, J. Russell

Absent: S. Pace

Mr. Karam offered Resolution #2, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by Andrew Jerome, for approval of a subdivision entitled Land Transfer Between Lands of Edward K. & Margaret E. Schwarzer and Lands of Bruce C. and Nancy S. Jerome and Subdivision of Remaining Lands of Edward K. & Margaret E. Schwarzer consisting of the transfer of 2.13 acres from the Lands of Schwarzer to the Lands of Jerome and a (2) lot subdivision of the Lands of Schwarzer;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on January 11, 2005 and;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on January 11, 2005, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and that the final subdivision plat entitled Land Transfer Between Lands of Edward K. & Margaret E. Schwarzer and Lands of Bruce C. and Nancy S. Jerome and Subdivision of Remaining Lands of Edward K. & Margaret E. Schwarzer consisting of the transfer of 2.13 acres from the Lands of Schwarzer to the Lands of Jerome and a (2) lot subdivision of the Lands of Schwarzer is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #2 passed 1/11/05

Ayes: Kramer, Larkin, Karam, Hughes, Russell, Bulger

Noes: None

Steven J. Bulger, Chairman